

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FAOUZI JABER,

Plaintiff,

-against-

SABRINA SHROFF; FEDERAL  
DEFENDERS OF NEW YORK, INC.,

Defendants.

24-CV-2608 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at FCI Gilmer in West Virginia, brings this action *pro se*. He asserts claims against the Federal Defenders of New York, Inc., and his former defense counsel, Sabrina Shroff, arising out of his criminal proceedings, *United States v. Jaber*, No. 13-CR-0485 (CM) (S.D.N.Y.). For the following reasons, the complaint is dismissed.

Plaintiff has previously submitted to this court a substantially similar complaint asserting the same claims against the same defendants. That case is pending in this court under docket number 24-CV-0932. Because this complaint raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 24-CV-0932.

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

**CONCLUSOIN**

The Court dismisses Plaintiff's complaint without prejudice as duplicative of his pending case under docket number 24-CV-0932.

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). Judgment shall enter.

SO ORDERED.

Dated: April 9, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge